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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,784	08/24/2001	Brian D. Ryder	COMP:0235	2946

7590

04/07/2005

INTELLECTUAL PROPERTY ADMINISTRATION  
Legal Department, M/S 35  
PO BOX 272400  
FT. COLLINS, CO 80527-2400

EXAMINER
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CHUNG, DANIEL J

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/938,784

Applicant(s)

RYDER, BRIAN D.

Examiner

Daniel J Chung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/14/04, 1/24/05, interview on 3/15/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 and 33-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 and 33-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Claims 1-26 and 33-37 are presented for examination. This office action is in response to the telephone interview with applicant's representative Mr. Vyas on March 15, 2005.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 7-19, 21-24, 26 and 33-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Brownlee (6,282,303).

Regarding claim 1, Brownlee discloses that the claimed feature of a user input device [i.e. "mouse"; 910, "track ball"; 1010, "keyboard"; 1120] comprising (See Abstract, Fig 1-3, Fig 9-11, col 1 line 46-67): a fingerprint scanner [i.e. "transparent roller"; 203,920, to acquire a fingerprint of user; See col 4 line 44-45]; and a driver [i.e. "a linear imaging device"; 223] operably coupled to the fingerprint scanner to enable the fingerprint scanner [203,920] to perform a function, wherein the function comprises at

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least one of a zoom function [“zooming wheel”; 920, See col 4 line 54, col 10 line 48-49] and a hot-key function. [“a function associated with the user’s finger”, which was scanned and registered; i.e. “automatically start up a certain web page...starting applications, logging into a site...”] (See col 5 line 56-col 6 line 4, block 1225, 1230 in Fig 12)

Regarding claim 2, Brownlee discloses that the fingerprint scanner comprises a CCD array. (See col 3 line 38)

Regarding claim 3, Brownlee discloses that the driver is operable to configure a computer associated with the fingerprint scanner to switch between a security mode [i.e. “security logic”; 1480] and the function [i.e. “cursor control software”; 1420. (See Fig 12, Fig 14)

Regarding claim 4, Brownlee discloses that the software driver configures the computer to operate in a security mode while simultaneously performing at least one of the zoom function, and the hot-key function. (See col 5 line 63-65, col 7 line 35-37)

Regarding claim 7, Brownlee discloses that the fingerprint scanner is disposed on a mouse. (See Fig 9-10)

Regarding claim 8, Brownlee discloses that the fingerprint scanner is disposed on a dumb terminal. (See Fig 1, Fig 3, Fig 9-11)

Regarding claim 9, refer to the discussion for the claim 1 hereinabove, Brownlee discloses that the claimed feature of a computer system comprising (See Abstract, Fig 1-3, Fig 9-11, col 1 line 46-67): a processor [601]; a fingerprint scanner [203,902] operably coupled to the processor [601]; and a driver [223] to configure the fingerprint scanner to perform at least one of a zoom function ["zooming"] ["zooming wheel"; 920, See col 4 line 54, col 10 line 48-49], and a hot-key function. ["a registered function associated with the user's finger; See col 5 line 56-col 6 line 4, block 1225, 1230 in Fig 12)

Regarding claim 10, Brownlee discloses that the processor is disposed on a CPU. (See Fig 6)

Regarding claim 11, Brownlee discloses that a first bridge unit coupled to the CPU; and an first expansion bus coupled to the first bridge unit. (See Fig 6)

Regarding claim 12, Brownlee discloses that the fingerprint scanner [i.e. 607] is coupled to the first expansion bus [609]. (See Fig 6)

Regarding claim 13, Brownlee discloses that a second bridge unit coupled to the first expansion bus; and a plurality of secondary expansion busses coupled to the second bridge unit. (See Fig 6)

Regarding claim 14, Brownlee discloses that the fingerprint scanner is disposed on at least one of the plurality of secondary expansion buses. (See Fig 6)

Regarding claim 15, Brownlee discloses that a display coupled to the first bridge unit. (See Fig 6)

Regarding claim 16, Brownlee discloses that the computer system is coupled for a network having a plurality of devices coupled thereto. (See col 2 line 54)

Regarding claim 17, refer to the discussion for claim 1 hereinabove, Brownlee discloses that the claimed feature of a method of operating a fingerprint scanner [203,902] comprising the acts of: (a) configuring a computer to perform at least one of a zoom ["zooming"] function and a hot-key function ["a registered function associated with the user's finger"] in response to signals generated by the fingerprint scanner [203,902]; and (b) generating signals based on input to the fingerprint scanner wherein the input to the fingerprint scanner comprises at least one of a unique image and motion. (See Fig 1, Fig 2, Fig 4, Abstract, col 3 line 39-48)

Regarding claim 18, Brownlee discloses that monitoring the computer system to determine if a need arises to configure the computer for security mode; and configuring the computer for security mode when the need arises. (See Fig 12, Fig 14)

Regarding claim 19, Brownlee discloses that the act of pressing an alternate select key to configure the computer to perform at least one of the zoom function and a hot-key function. (See col 6 line 17-19, col 9 line 46-48)

Regarding claim 21, Brownlee discloses that the act recognizing an acquired fingerprint as corresponding to the appropriate function to configure the computer to perform at least one of the zoom function and the hot-key function. (See Fig 1, Fig 2, Fig 4, Fig 11, Abstract, col 3 line 39-48)

Regarding claim 22, refer to the discussion for the claim 1 hereinabove, Brownlee discloses that the claimed feature of a method of manufacturing a computer system comprising the acts of: (a) providing a fingerprint scanner [203,902]; (b) providing a processor [601]; (c) operably coupling the fingerprint scanner to the processor; and (d) providing software that configures the processor to interpret signals from the fingerprint scanner as at least one of a zoom function ["zooming"] and the hot-key function ["a registered function associated with the user's finger"]. (See Fig 1, Fig 2, Fig 4, Abstract, col 3 line 39-48)

Regarding claim 23, Brownlee discloses that the claimed feature of method a method of using a fingerprint scanner configurable to control one of a zoom function and a hot-key function, the method comprising the act of: moving a finger on the fingerprint scanner to cause the one of a zoom function and a hot-key function. (See Abstract, Fig 2)

Regarding claim 24, Brownlee discloses that the act of pressing an alternate select key while simultaneously placing a finger on the fingerprint scanner. (See Fig 1, Fig 2, Fig 4, Fig 11, Abstract, col 3 line 39-48)

Regarding claim 26, refer to the discussion for the claim 1 hereinabove, Brownlee discloses that the claimed feature of a computer system comprising: means for configuring a computer to perform at least one of a zoom function ["zooming"] and a hot-key function ["a registered function associated with the user's finger"] in response to signals generated by the fingerprint scanner [203,902]; and means for generating signals based on input to the fingerprint scanner wherein the input to the fingerprint scanner comprises at least one of a unique image and motion. (See Fig 1, Fig 2, Fig 4, Abstract, col 3 line 39-48)

Regarding claim 33, discloses that the function further comprises at least one of a select function ["clicking"] and a scrolling function ["scrolling"]. (See Fig 2, Fig 9, col 4 line 40-43, col 4 line 62-65, col 10 line 46-48)



Regarding claim 34, claim 34 is similar in scope to the claim 4, and thus the rejection to claim 4 hereinabove is also applicable to claim 34.

Regarding claim 35, claim 35 is similar in scope to the claim 33, and thus the rejection to claim 33 hereinabove is also applicable to claim 35.

Regarding claim 36, claim 36 is similar in scope to the claim 33, and thus the rejection to claim 33 hereinabove is also applicable to claim 36.

Regarding claim 37, claim 37 is similar in scope to the claim 33, and thus the rejection to claim 33 hereinabove is also applicable to claim 37.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6, 20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brownlee (6,282,303) in view of Mambakkam et al (US 2002/0073340).

Regarding claims 5-6, Brownlee does not specifically disclose that the fingerprint scanner is disposed on a PCMCIA card, and the fingerprint scanner comprises a USB interface. However, such limitations are shown in the teaching of Mambakkam et al. ['a fingerprint reader with PCMCIA card and USB interface'] (See Abstract line 1-6, Fig 2, Fig 5-6, [22],[29],[38],[41],[46]) It would have been obvious to one skilled in the art to incorporate the teaching of Mambakkam et al into the teaching of Brownlee, in order to improve system's compatibility, as such improvement is also advantageously desirable in the teaching of Brownlee for providing interface [i.e. 621 in Fig 6] with great compatibility with other PC or processor.

Regarding claims 20 and 25, Brownlee does not explicitly disclose that the act of tapping a finger on the fingerprint reader to configure the computer to perform the function. However, such limitation is also shown in the teaching of Mambakkam et al. [i.e. 'placing finger onto surface of fingerprint reader; 24'] (See Fig 2, Fig 5, [23],[26],[39]) It would have been obvious to one skilled in the art to incorporate the teaching of Mambakkam et al into the teaching of Brownlee, in order to acquire a fingerprint of user properly with easy manner, as such improvement is also

advantageously desirable in the teaching of Brownlee for receiving use's fingerprint without distortion of the finger.

### ***Response to Arguments***

Applicant's arguments (both "zoom and hot-key functions"), see Remarks, filed on 6-14-2004 and 1-24-2005, with respect to the rejection(s) of claim(s) 1,9,17,22 and 26 have been fully considered. However, upon further consideration, a new ground(s) of rejection is made in view of Brownlee (6,282,303) and Mambakkam et al (US 2002/0073340). Specifically, in response to the applicant's argument that the cited reference does not disclose that both "zoom function and hot-key function", Brownlee clearly teaches that both a zoom function ["zooming wheel"; 920, See col 4 line 54, col 10 line 48-49] and a hot-key function. ["a function associated with the user's finger", which was scanned and registered; i.e. "automatically start up a certain web page...starting applications, logging into a site..."] (See col 5 line 56-col 6 line 4, block 1225, 1230 in Fig 12). See rejection hereinabove

### ***Conclusion***

Applicant's amendment [i.e. eliminate the previously claimed limitation "a scroll function" and "a select function" to overcome previous Non-final rejection, which mailed on 3-10-2004] necessitated the new ground(s) of rejection presented in this Office

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action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose telephone number is (571) 272-7657. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am- 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be reached at (571) 272-7664.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9306 (Central fax)**

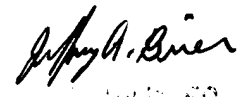
**(703) 872-9314 (for Technology Center 2600 only)**

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

djc  
March 28, 2005

  
JEFFREY A. BRIER  
PRIMARY EXAMINER